

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -X

ANTHONY MANGANIELLO,

Plaintiff,

-against-

CASE No:

07-CV-3644

THE CITY OF NEW YORK, et al.

Defendants.

- - - - -X

March 13, 2007

10:23 a.m.

DEPOSITION of JAIME ORTIZ, a witness on behalf
of the NEW YORK CITY POLICE DEPARTMENT, a
Defendant herein, taken pursuant to Court Order,
and held at the Offices of New York Corporation
Counsel, 100 Church Street, New York, New York,
before Mary T. Slavik, RPR, a Certified Court
Reporter and Notary Public of the State of New
York.

JAIME ORTIZ

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APPEARANCES:

OSORIO & ASSOCIATES, LLC

Attorneys for Plaintiff

184 Martine Avenue

White Plains, New York 10601

BY: MICHAEL H. JOSEPH, ESQ.

CITY OF NEW YORK LAW DEPARTMENT

Attorneys for Defendants

100 Church Street, 4th Floor

New York, New York 10007

BY: RACHEL SELIGMAN-WEISS, ESQ.,

ASSISTANT CORPORATION COUNSEL

1 JAIME ORTIZ,

2 having been first duly sworn by the Notary

3 Public, Mary T. Slavik, and stating his

4 address as 900 Fteley Avenue, Bronx, New

5 York 10472, was examined and testified as

6 follows:

7 MR. JOSEPH: Federal stip.

8 MS. SELIGMAN-WEISS: Before we

9 start, I have a copy of Officer Ortiz'

10 memo book bearing Bates numbers 1161,

11 1162 and 1163.

12 Ms. Fromer has provided Monday

13 2/12/01, and there is another page for

14 Thursday 3/1/01, so I will give you a

15 copy.

16 EXAMINATION BY

17 MR. JOSEPH:

18 Q. Officer Ortiz, I'll ask you

19 several questions regarding a call you took

20 several years ago on February 12th, 2001,

21 and subsequent events. No one is alleging

22 that you did anything improper, just so you

23 are aware of that.

24 A. Okay.

3

5

IT IS HEREBY STIPULATED AND AGREED 1
by and between the attorneys for the 2
respective parties herein, that filing and 3
sealing be and the same are hereby waived. 4

It is FURTHER STIPULATED AND 5
AGREED that all objections, except as to 6
the form of the question, shall be reserved 7
to the time of the trial. 8

It is FURTHER STIPULATED AND 9
AGREED that the within deposition may be 10
signed and sworn to before any officer 11
authorized to administer an oath, with the 12
same force and effect as if signed and 13
sworn to before the Court. 14

1 Q. Are you currently employed?

2 A. Yes.

3 Q. By whom?

4 A. New York City Police Department.

5 Q. Where are you currently
6 stationed?

7 A. At the 43rd Precinct.

8 Q. Have you continuously been at the
9 43rd Precinct from February 1st, 2001 to
10 the present?11 MS. SELIGMAN-WEISS: Object to the
12 form.

13 A. Yes.

14 Q. In February 2001, were you working
15 with a Police Officer Rodriguez?

16 A. Yes.

17 Q. What is Police Officer Rodriguez'
18 first name?

19 A. Eric.

20 Q. Have you kept in touch with
21 Officer Rodriguez over the years?22 MS. SELIGMAN-WEISS: Object to the
23 form.

24 A. No.

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8

1 Q. Do you know -- is Eric Rodriguez
2 still assigned to the -- is Eric Rodriguez
3 still employed by the New York City Police
4 Department?
5 A. That I know of possibly, yes.
6 Q. Where was Eric Rodriguez last
7 assigned that you have knowledge of?
8 MS. SELIGMAN-WEISS: Object to the
9 form.
10 A. To the transit district.
11 Q. When was the last time you saw
12 Officer Rodriguez?
13 A. I figure when he left the 43rd
14 Precinct to go to transit.
15 Q. When was that?
16 A. I don't recall.
17 Q. Can you give me an approximation?
18 A. I can't give you an approximation,
19 I don't know.
20 Q. Do you recall what year it was?
21 A. No.
22 Q. Do you recall what Eric
23 Rodriguez's shield number was?
24 A. It might be possibly in my memo

1 book.
2 MR. JOSEPH: Let's have this
3 marked.
4
5 (Plaintiff's Exhibit 1, MEMO BOOK,
6 was marked for identification.)
7
8 Q. Sir, I'll show you what was marked
9 as Plaintiff's Exhibit 1 for the record,
10 it's a three-page document, do you
11 recognize what this is?
12 A. Yes.
13 Q. What is it?
14 A. My memo book.
15 Q. And can you tell me have you
16 continuously had your memo book in your
17 possession since February 2001?
18 MS. SELIGMAN-WEISS: Object to the
19 form.
20 A. Yes.
21 Q. Did you make these copies?
22 A. No.
23 Q. Were the copies made in your
24 presence?

1 A. No.
2 Q. Can you tell me how this copy came
3 to be here?
4 MS. SELIGMAN-WEISS: Object to the
5 form.
6 Q. Let me rephrase it.
7 Sir, did you provide your
8 attorneys with a copy of your memo book?
9 A. Yes.
10 Q. Does Exhibit 1 -- is Exhibit 1,
11 what you see in Exhibit 1, a fair and
12 accurate representation of your -- strike
13 that.
14 Is what we see in Exhibit 1 a fair
15 and accurate copy, true copy of your memo
16 book?
17 MS. SELIGMAN-WEISS: Object to the
18 form.
19 A. Yes.
20 Q. Okay.
21 MS. SELIGMAN-WEISS: Just so we're
22 clear, this is not your entire memo
23 book?
24 THE WITNESS: No.

1 Q. Is what we see in Exhibit 1 a true
2 copy of your memo book for the dates of
3 February 12, 2001 and March 1st, 2001?
4 A. Yes.
5 Q. Sir, by looking at your memo book
6 or the pages of your memo book shown in
7 Exhibit 1, is there any indication of what
8 Eric Rodriguez' shield number is?
9 A. Yes.
10 Q. What is the shield number?
11 A. 12041.
12 Q. And can you tell me when you
13 provided this to your attorney, meaning
14 "Exhibit 1"?
15 MS. SELIGMAN-WEISS: Object to the
16 form.
17 You can answer.
18 A. Yesterday.
19 Q. On February 12, 2001, did you
20 respond to a call at 1700 Metropolitan
21 Avenue, Apartment 5E?
22 A. I don't recall if I did.
23 Q. Is there an indication in your
24 memo book if you responded to such a call

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1 on that date?
 2 A. No. Not in my memo book, no.
 3 Q. Take a look at what was previously
 4 marked as Plaintiff's Exhibit Number 6.
 5 For the record I'm showing the
 6 witness what was marked Plaintiff's Exhibit
 7 6, dated 12/19/07.
 8 MS. SELIGMAN-WEISS: Thank you.
 9 Q. Sir, just read the narrative
 10 section of that and let me know when you're
 11 finished.
 12 A. You want me to read it out loud?
 13 Q. No, just read it to yourself.
 14 After reviewing Exhibit 6, has
 15 your memory been refreshed as to the call
 16 on February 12, 2001?

17 MS. SELIGMAN-WEISS: Object to the
 18 form.
 19 A. No.
 20 Q. Do you have any recollection of
 21 responding to a call at 1700 Metropolitan
 22 Avenue with a Parkchester security guard?
 23 MS. SELIGMAN-WEISS: Object to the
 24 form.

11

1 A. I don't recall.
 2 Q. As part of your duties when you
 3 respond to a potential domestic violence
 4 call, do you write a written report of the
 5 call?
 6 MS. SELIGMAN-WEISS: Object to the
 7 form.
 8 A. I don't recall.
 9 Q. In February 2001, did you
 10 generally prepare any documents aside from
 11 your memo book pertaining to calls in which
 12 there was an alleged fight?

13 MS. SELIGMAN-WEISS: Object to the
 14 form.
 15 A. I don't recall.
 16 Q. Do you have any recollection of
 17 responding to a call on February 12, 2001,
 18 concerning a Parkchester security guard
 19 shot?

20 A. I don't recall.
 21 Q. Can you take a look at the second
 22 page of what has been marked as Exhibit 1,
 23 and can you tell me what was the first
 24 entry?

1 A. Monday, February 12th, 2001, and
 2 my tour was 07:05 by 15:40.

3 Q. Is that seven o'clock in the
 4 morning?

5 A. Yes.

6 Q. What did you do when your tour
 7 began according to your memo book?

8 A. My assignment was Henry Ida.

9 Q. Which means?

10 A. Which is my sector, the area that
 11 I cover.

12 Q. What is included in that sector?

13 What are the boundaries of that
 14 sector?

15 A. That's Westchester to the Cross
 16 Bronx and from White Plains to Bronx River
 17 Avenue.

18 Q. And are the Parkchester
 19 condominiums within that boundary?

20 A. No.

21 Q. Was there ever a time when you
 22 respond to the Parkchester condominiums

23 when you're working the HI boundary and HI
 24 sector?

13

1 A. No.

2 MS. SELIGMAN-WEISS: Object to the
 3 form.

4 Q. And what is the next entry in your
 5 memo book?

6 A. My meal time.

7 Q. And what time is that?

8 A. 10:30.

9 Q. Typically when you go on a call,
 10 do you make an entry into your memo book
 11 that you took a call?

12 MS. SELIGMAN-WEISS: Object to the
 13 form.

14 Q. Strike that.

15 In February 2001, did you have a
 16 standard practice by when you took a call
 17 you made an entry documenting what call you
 18 went on and the times?

19 MS. SELIGMAN-WEISS: Object to the
 20 form.

21 A. I don't put the entries in.

22 Q. Okay. Is there a reason you don't
 23 put the entries in?

24 A. Because I was the operator of the

JAIME ORTIZ

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1 vehicle.

2 Q. Would it be fair to say then that
3 the entries would be in Officer Rodriguez'
4 memo book?

5 MS. SELIGMAN-WEISS: Object to the
6 form.

7 A. Possibly, yes.

8 Q. How long did you work with Officer
9 Rodriguez in 2001?

10 A. About two years.

11 Q. And was there a standard practice
12 when you worked with Officer Rodriguez that
13 one person would be the operator and one
14 person would make notes in the memo book?

15 MS. SELIGMAN-WEISS: Object to the
16 form.

17 A. Yes.

18 Q. And what time did you say your
19 meal time was?

20 A. 10:30.

21 Q. And do you have any recollection
22 of taking any calls between 7 o'clock and
23 10:30 on February 12, 2001?

24 MS. SELIGMAN-WEISS: Object to the
15

1 form.

2 A. I don't recall.

3 Q. What is the next -- after your
4 meal time -- how long did you take for meal
5 time?

6 A. It's an hour.

7 Q. Were you able to take the entire
8 hour on February 12, 2001 according to your
9 memo book?

10 A. Yes.

11 Q. Okay. What time did you come back
12 on duty?

13 A. 12:15.

14 Q. And according to your memo book,
15 what did you do at 12:15?

16 A. We went back out on patrol.

17 Q. Did you respond to any other calls
18 according to your memo book --

19 MS. SELIGMAN-WEISS: Object to the
20 form.

21 Q. -- after going back on patrol?

22 MS. SELIGMAN-WEISS: Same
23 objection.

24 A. I don't recall if we went on

1 patrol, but according to my memo book I
2 transported two perps to Jacobi Hospital.

3 Q. And what time did you do that?

4 A. That was at 12:40.

5 Q. Now, I think you reviewed Exhibit
6 Number 6, did you make any statements to a
7 Detective Martinez which are shown in
8 Exhibit 6?

9 MS. SELIGMAN-WEISS: Object to the
10 form.

11 A. I don't recall if I made any
12 statements to him.

13 Q. Do you have any recollection at
14 all about a Parkchester security officer
15 being shot on February 12th, 2001?

16 A. No, I don't recall.

17 Q. Were you ever asked to write out
18 your own statement concerning what happened
19 on February 12th, 2001, besides from what's
20 in your memo book?

21 A. I don't recall.

22 Q. Did you ever speak with an
23 assistant district attorney concerning the
24 events of February 12, 2001?

1 A. I don't recall.

2 Q. Did you ever testify in front of a
3 grand jury concerning the prosecution of
4 Anthony Manganiello?

5 A. I don't recall.

6 Q. Were you ever requested to testify
7 at the trial of Anthony Manganiello?

8 A. I don't recall.

9 Q. Let's turn to March 1st, 2001 in
10 your memo book. Do you have a recollection
11 of speaking with a Detective Agostini?

12 MS. SELIGMAN-WEISS: Object to the
13 form.

14 A. I don't recall.

15 Q. What, if anything, is shown in
16 your memo book of March 1st, 2001?

17 A. It shows Thursday, March 1st,
18 2001. My tour was 07:05 by 15:40.

19 Q. Okay. And what was the first
20 thing you did when you began your tour?

21 A. 198.

22 Q. What does that mean?

23 A. I started my patrol.

24 Q. What time did you start your

JAIME ORTIZ

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1 patrol?
 2 A. Eight o'clock.
 3 Q. And what was the next thing that
 4 happened according to your memo book?
 5 A. Then it was inspected by a
 6 sergeant.
 7 Q. That means the sergeant looked at
 8 your memo book?
 9 A. Yes.
 10 Q. Where did that occur?
 11 A. I don't recall.
 12 Q. What time did that occur?
 13 A. At 12 o'clock.
 14 Q. Are there any notations that you
 15 met with a Detective Agostini between
 16 starting your tour and 12 o'clock?
 17 A. No.
 18 Q. If you had met with Detective
 19 Agostini between starting your tour and 12
 20 o'clock, would you have made a notation of
 21 that in your memo book?
 22 MS. SELIGMAN-WEISS: Object to the
 23 form.
 24 A. Possibility, maybe.

19

1 Q. What would affect whether or not
 2 you put that notation in your memo book?
 3 A. If it interrupted my patrol.
 4 Q. And if you were called to the 43rd
 5 Precinct to meet with a detective at a
 6 detective's bureau, would you consider that
 7 interrupting your patrol?
 8 A. Yes.
 9 Q. Would it be fair to say if between
 10 starting your tour at 7 o'clock and 12
 11 o'clock, you met with Detective Agostini,
 12 there would be a notation in your memo
 13 book?
 14 A. Yes.
 15 Q. And is there any notation in your
 16 memo book that you met with Detective
 17 Agostini at all on March 1st, 2001?
 18 A. No.
 19 Q. To the best of your memory, did
 20 you meet with a Detective Agostini on March
 21 1st, 2001?
 22 A. I don't recall.
 23 Q. Do you have any recollection of
 24 meeting with a Detective Agostini on March

1 1st, 2001?
 2 A. No, I don't recall.
 3 Q. Do you have any recollection of
 4 meeting with a Detective Agostini on March
 5 1st, 2001, and discussing a gentleman named
 6 Anthony Manganiello?
 7 A. I don't recall.
 8 Q. What does it mean to give a job
 9 back?
 10 MS. SELIGMAN-WEISS: Object to the
 11 form.
 12 Q. Are you familiar with the term
 13 "give a job back"?
 14 MS. SELIGMAN-WEISS: Object to the
 15 form.
 16 A. It depends, to give it either to
 17 final.
 18 Q. Which means?
 19 A. Which means the disposition of the
 20 job.
 21 Q. And does that mean a call is over
 22 at that point?
 23 MS. SELIGMAN-WEISS: Object to the
 24 form.

21

1 Q. When you give a job back?
 2 A. Once we give back the final, yes.
 3 MR. JOSEPH: That's all I have.
 4 Thank you.
 5 MS. SELIGMAN-WEISS: I have one
 6 question or two I want to follow-up.
 7 EXAMINATION BY
 8 MS. SELIGMAN-WEISS:
 9 Q. If you had met with a detective
 10 and your meeting lasted a short amount of
 11 time, would you consider that to have
 12 disrupted your patrol?
 13 A. No.
 14 Q. If you had met briefly with
 15 detectives and it did not disrupt your
 16 patrol, is that something that you would
 17 indicate in your memo book?
 18 A. No.
 19 MS. SELIGMAN-WEISS: I have
 20 nothing further.
 21 FURTHER EXAMINATION BY
 22 MR. JOSEPH:
 23 Q. Let me ask you this. On March
 24 1st, 2001, you started your patrol at what

JAIME ORTIZ

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24

1 time?
2 A. At 8 o'clock.
3 Q. And if between an hour and half,
4 two hours in between your tour, you were
5 called to the 43rd Precinct, would you
6 consider that to have interrupted your
7 tour?
8 MS. SELIGMAN-WEISS: Object to the
9 form.
10 A. Possibility, maybe.
11 Q. Is it more likely than not that
12 had you been called back to the 43rd
13 Precinct after being on patrol for two
14 hours, you would consider that an
15 interruption of your tour?
16 MS. SELIGMAN-WEISS: Object to the
17 form.
18 A. It depends if it interrupted my
19 patrol time.
20 Q. Which means what?
21 A. If they tell me to come in and
22 they call me in.
23 Q. So is it fair to say that if you
24 were called into the 43rd Precinct, even

23

1 Q. Have you been between February 12,
2 2001 and today, have you been at the 43rd
3 Precinct?
4 A. Yes.
5 Q. Continuously?
6 A. Yes.
7 MR. JOSEPH: Okay. That is all I
8 have.
9 Thank you.
10 MS. SELIGMAN-WEISS: Nothing
11 further.

(Time noted: 10:41 a.m.)

1 for a short period of time in the middle of
2 your patrol, you would consider that an
3 interruption?
4 MS. SELIGMAN-WEISS: Object to the
5 form.
6 A. Not likely, not all of the time.
7 Q. If you were called into the 43rd
8 Precinct to speak with detectives after two
9 hours of being on tour, would you consider
10 that an interruption of your tour?
11 MS. SELIGMAN-WEISS: Object to the
12 form.
13 A. Two hours you said?
14 MS. SELIGMAN-WEISS: Can you read
15 the question back.
16
17 (Requested question was read back
18 by the court reporter.)
19
20 Q. So were you ever asked to write
21 out your own statement by a Detective
22 Agostini concerning the events of February
23 12, 2001?
24 A. I don't recall.

25

1 STATE OF NEW YORK)
2 ss:
3 COUNTY OF)

4
5 I, JAIME ORTIZ, hereby certify that
6 I have read the pages of the foregoing
7 testimony of this deposition and hereby
8 certify it to be a true and correct record.
9

JAIME ORTIZ

19 Sworn to before me this
20 ____ day of _____, 2008.

Notary Public

JAIME ORTIZ

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1 INDEX

2 EXAMINATION BY PAGE:LINE

3 MR. JOSEPH: 4:16

4

5 EXAMINATION BY

6 MS. SEIGMAN-WEISS: 21:7

7

8 FURTHER EXAMINATION BY

9 MR. JOSEPH: 21:21

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11

12 Plaintiff's Exhibit 1,

13 MEMO BOOK, was marked

14 for identification. 7:5

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1 ERRATA SHEET

2 Deposition Of:

3 Re:

4 Date Taken:

5 Page Line # Correction Reason

6 _____

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19 _____

20 (Signature)

21 Sworn to before me this

22 day of _____, 2008.

23 _____

24 Notary Public

27

1 CERTIFICATION

2

3 STATE OF NEW YORK)

4

5 COUNTY OF WESTCHESTER)

6

7 I, MARY T. SLAVIK, RPR, Court

8 Reporter and Notary Public within and

9 for the County of Westchester, State

10 of New York, do hereby certify:

11 That I reported the proceedings

12 that are hereinbefore set forth, and

13 that such transcript is a true and

14 accurate record of said proceedings.

15 AND, I further certify that I am

16 not related to any of the parties to

17 this action by blood or marriage, and

18 that I am in no way interested in the

19 outcome of this matter.

20 IN WITNESS WHEREOF, I have

21 hereunto set my hand.

22

23

24 MARY T. SLAVIK, RPR

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